EA Form R 1/2007

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: **Talan Inc**
PO BOX 69
Ovando, MT 59854 0069

2. Type of action: **Change Application 30028985 76F**

3. Water source name: **North Fork Blackfoot River**

4. Location affected by project: **Sec. 5, 20, 21, 29, 32 TWP 14N RGE 11W, Powell County**

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The applicant proposes to change the point of diversion on water right 76F 98201 from the North Fork of the Blackfoot River to Kleinschmidt Creek, a tributary of the North Fork of the Blackfoot River, switching from a flood irrigation to a pump and center pivot sprinkler irrigation system. The current flood irrigation system requires the applicant to divert up to his full allotment of water and deliver it across the Kleinschmidt Flats with significant conveyance loss. The applicant proposes to lease the water salvaged by this change to the Big Blackfoot Chapter of Trout Unlimited to be protected as instream flows for fisheries purposes in a naturally losing reach of the North Fork of the Blackfoot River between the original point of diversion and the Ryan Bridge.

The DNRC shall issue an authorization to change the applicant if the criteria in 85-2-402, MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(Include agencies with overlapping jurisdiction)

MT Natural Heritage Program - Species of Concern, T/E
MT Dept. of Environmental Quality - 2006 Montana Water Quality Integrated Report
MT Dept. of Fish, Wildlife and Parks - Montana Fisheries Information System
The Montana Noxious Weed Survey and Mapping System
Mike Roberts, DNRC Hydrologist
Stan Bradshaw, Montana Trout Unlimited

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: **No significant impact. The area identified as chronically dewatered by DFWP is river mile 6.2 to 12.0. This change is proposing to protect instream flows for the benefit of fisheries and will not worsen the already dewatered condition.**

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: **No significant impact. The Montana DEQ Clean Water Act Information Center listed the North fork Blackfoot and Kleinschmidt Creek on the 2006 303d list. The North fork Blackfoot fully supported agricultural, aquatic life, cold water fisheries, drinking water, industrial and primary contact recreation uses. Kleinschmidt Creek fully supported agricultural, industrial, and primary contact recreation uses, partially supported aquatic life and cold water fishery uses, and does not support drinking water uses. The proposed protected instream flow lease will not affect water quality.**

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: **No significant impact. This application is for a surface water instream flow protection change authorization.**

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: **No significant impact. This change application is for an instream flow lease which will utilize water gained from the efficiency of the use of new sprinkler system. The point of diversion will be relocated and a pump will be installed to replace the existing headgate. This project should not negatively impact channels, flow modifications, barriers, riparian areas, dams or well construction.**

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater,*

assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: **No significant impact. The MT Natural Heritage Program identified the Bald Eagle, *Haliaeetus leucocephalus,* Missoula Phlox, *Phlox missoulensis,* Brewer's Sparrow, *Spizella breweri,* Olive-sided Flycatcher, *Contopus cooperi,* Long-billed Curlew, *Numenius americanus,* Grasshopper Sparrow, *Ammodramus savannarum,* Bull Trout, *Salvelinus confluentus,* Westslope Cutthroat Trout, *Oncorhynchus clarkia lewisi,* Bobolink, *Dolichonyx oryzivorus,* Grizzly Bear, *Ursus arctos,* Common Loon, *Gavia immer,* Canadian Lynx, *Lynx Canadensis,* Wolverine, *Gulo gulo,* Fisher, *Martes pennanti,* Gray Wolf, *Canis lupus,* and the Black Tern, *Chlidonias niger*.**

The Bald Eagle has a widespread distribution in North America. This species has large numbers of occurrences but still suffers from a number of threats including environmental contaminates and disturbances by humans.

The Missoula Phlox are endemic to west central Montana where there are fewer than 20 known occurrences. This species is facing major threats by grazing and development and the global status is imperiled. Phlox species are found to grow in diverse habitats ranging from alpine locations to open woodlands and prairies.

The Brewer's Sparrow's can be abundant in sagebrush, desert, and shrubland/chaparral habitat and will breed in high densities. This species prefers habitat with tall sagebrush shrubs for nesting and song perches; and low percentage grass cover to facilitating foraging on the ground. Loss of breeding habitat and sagebrush fragmentation are a concern for this species linked to population declines.

The Olive-sided Flycatcher has a large breeding range in wooded areas across North America. These neotropical migrants are threatened by habitat loses in their wintering grounds, breeding range and/or in migratory areas. The species prefers nesting habitat of openings with dead standing trees and maybe found more abundantly in recently logged or post-fire habitat areas.

The Long-billed Curlews prefer terrestrial habitat consisting of grasslands/herbaceous, estuarine habitat(s), and palustrine habitat(s). The species prefers breeding in prairies and grassy meadows, generally near water.

The Grasshopper Sparrow prefers grass-dominated fields, native prairies and grazed pastures. This species sees the greatest threats to populations due to loss, degradation, and incompatible management of grassland habitats.

The Bull Trout prefer stream habitats with deep pools in cold rivers with fast to moderate currents; also large coldwater lakes and reservoirs. Threats to the species include unstable stream channels, relatively unstable stream flow, high levels of fine substrate sediments, low stream channel complexity with unvaried habitat cover types, temperatures exceeding 15ºC and lack of suitable corridors for movement between suitable winter and summer habitats and for genetic exchange among populations.

Westslope cutthroat trout migrate between upstream/spawning and lake /non-spawning and prefer riverine (creek and medium river) and lacustrine habitats. This species of fish occurs in small mountain streams, main rivers, and large natural lakes. The degree of threat (B) includes hybridization, loss/degradation of habitat from logging, road construction, mining and grazing. This species is sensitive to pollution and high turbidity/stream siltation. Dams, irrigation diversions, and other migratory barriers have degraded critical habitat and increased the already drastic levels of species fragmentation.

Bobolinks breed in areas of tall grass, flooded meadows, prairie, deep cultivated grains, and hayfields. The species prefers habitat with moderate to dense vegetation, tall vegetation, and moderate deep litter.

Grizzly Bears are mostly found in arctic tundra, alpine tundra, and subalpine forests. The species was once found in a variety of habitats including: open prairie, brushlands, riparian woodlands, and semi-desert scrub. Habitat loss and fragmentation as well as over hunting have resulted in a historical decline of this species.

The Common Loon utilizes lakes containing both shallow and deep water areas for breeding habitats and inland lakes and rivers and coastal waters during migration. The species are susceptible to human disturbance at breeding lakes and hunting, fluctuating water levels at the nest sites, habitat loss and degradation, competition, entanglement, environmental pollutants, predation and disease and pollution.

Canadian Lynx generally occur in boreal and montane regions dominated by coniferous or mixed forest with thick undergrowth; may also enter open forest, rocky areas, and tundra to forage for abundant prey. The species occupies a large range in northern North America while declines have occurred in some population. Habitat loss/fragmentation and susceptibility to overharvest are major concerns to population levels.

Wolverines occupy a large range in northern Canada and Alaska, and occur in Montana and Idaho in smaller populations. Densities in Montana range from one wolverine in Montana per every 65 sq km and to less than one per every 200 sq km in northern British Columbia. Declines in population may be primarily due to fur trapping and habitat degradation through timber harvest, ski area construction, road construction, and general human disturbances.

Fishers primarily occur in dense coniferous or mixed forests, including early successional forests with dense overhead cover. The species occupies a large range in northern North America. Declines in the southern part of their range are due to over trapping and habitat loss from logging. Extensive timber harvest can fragment fisher habitat, reduce it in size, or change forest structure to be unsuitable for the species.

The Gray Wolf has no particular habitat preference. They are a carnivore species with a far reaching territory which encompasses many variable habitat types. These canines have been exterminated from large areas through trapping, shooting, poisoning, reduction in prey populations, direct human caused mortalities, and habitat loss. The threats to northern Rocky Mountain populations have been reduced or eliminated as evidence by the

population exceeding the numerical, distributional, and temporal recovery goals each year since 2002 (USFWS).

The Black Tern is a relatively abundant species with a widespread distribution. Decline in the species is virtually throughout the species range and may be due to loss of freshwater marsh habitat, human disturbance of nesting sites, pesticide use, and problems along the migration route or in the winter range. In general, protection of remaining wetlands in the Northern American hemisphere is the most protective action necessary to maintain this inland tern population.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: **No significant impact.**

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: **No significant impact. This change application is for instream flow protection and a change to the point of diversion. No ponds are involved with this application.**

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE *- Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: **No significant impact.**

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS *- Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: **No significant impact. The Montana Noxious Weed Survey and Mapping System identified Spotted Knapweed in the project vicinity. Since this change application is for the relocation of the point of diversion and an installation of a sprinkler irrigation system with the water gained through efficiency applied to instream flow purposes, there would be minimal disturbance to soils. The landowner is responsible for controlling any establishment of noxious weed as a result of disturbance.**

AIR QUALITY *- Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: **No significant impact.**

HISTORICAL AND ARCHEOLOGICAL SITES *- Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: **No significant impact. The State Historic Preservation Office was not contacted about this proposed project. The land has been historically used for fish and wildlife and recreation purposes and would have already disturbed any historic sites. Since the property is located on federal land, the decision to conduct a cultural inventory would be at the discretion of the land manager.**

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: **No significant impact. The proposed project should not cause any additional impacts on land water or energy resources.**

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: **No significant impact.**

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: **No significant impact.**

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

Determination: **No significant impact.**

PRIVATE PROPERTY - *Assess whether there is any government regulatory impacts on private property rights.*
Yes___ No_X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No significant impact.**

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

1. ***Impacts on:***

(a) *Cultural uniqueness and diversity?* **No significant impact**.

(*b*) *Local and state tax base and tax revenues?* **No significant impact**.

(c) *Existing land uses?* **No significant impact.**

(*d*) *Quantity and distribution of employment?* **No significant impact.**

(e) *Distribution and density of population and housing?* **No significant impact.**

(f) *Demands for government services?* **No significant impact.**

(g) *Industrial and commercial activity?* **No significant impact.**

(h) *Utilities?* **No significant impact.**

(i) *Transportation?* **No significant impact.**

(j) *Safety?* **No significant impact.**

(k) *Other appropriate social and economic circumstances?* **No significant impact.**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: **No impacts were identified.**

Cumulative Impacts: **No impacts were identified.**

3. *Describe any mitigation/stipulation measures:* **None**

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider*: **Under the no action alternative, the project would continue to be used as it is today. There do not appear to be alternatives.**

PART III. Conclusion

1. *Preferred Alternative:* **Issue the authorization for the proposed project.**

2. *Comments and Responses:* **There have been no comments or responses.**

3. *Finding:*
Yes___ No_X__ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: **An EA is the appropriate level of analysis for this action. There are no significant impacts identified, therefore an EIS is not required.**

Name of person(s) responsible for preparation of EA:

Name: **Lindsay Arthur**
Title: **Water Resource Specialist**
Date: **12/10/2007**